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Attorney(s) for: Defendants, Monmouth County Vocational School District, Monmouth County Vocational School District Board of Education, Earl Moore, Mary Kay, Charles Ford, and Timothy McCorkell

**The United States District Court
For the
District of New Jersey**

P.W., Plaintiffs, vs. Monmouth County Vocational School District, Monmouth County Vocational School District Board of Education, Earl Moore, Mary Kay, Charles Ford, and Timothy McCorkell, Defendant.	Civil Action No: 20-cv-2329 ANSWER, JURY DEMAND, REQUEST FOR STATEMENT OF DAMAGES
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Defendant, Monmouth County Vocational School District, Monmouth County Vocational School District Board of Education, Earl Moore, Mary Kay, Charles Ford, and Timothy McCorkell, a public entity providing educational services in the County of Monmouth, State of New Jersey, and public employees thereof, by way of Answer to the Complaint do hereby state:

NATURE OF THE ACTION

- 1. Denied that there is or was anti-Semitism at the Marine Academy of Science and Technology.**
- 2. Denied.**
- 3. Denied.**
- 4. Denied.**
- 5. Denied.**

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Admitted that P.W. and L.W. filed a civil rights complaint with the New Jersey Division on Civil Rights. The balance of the paragraph is denied.

16. Denied.

17. This paragraph does not set forth a factual statement. To the extent that the paragraph was *merely inartful and intended to set forth a factual statement, same is denied.*

JURISDICTION AND VENUE

18. Admitted.

19. Admitted.

20. Admitted.

PARTIES

21. Plaintiff is left to her proofs.

22. Admitted.

23. Admitted that Defendant Monmouth County Vocational School District Board of Education is a board of education. Denied that the board of education manages the School District. Admitted as to the principle place of business.

24. Admitted.

25. Admitted.

26. Denied that Charles Ford was the Anti-Bullying Specialist.

27. Admitted.

JURY DEMAND

28. Defendants demand a trial by jury.

FACTUAL ALLEGATIONS

29. Defendants are without sufficient information to admit or deny the allegations contained in this paragraph; therefore, the statement is denied.

30. Defendants are without sufficient information to admit or deny the allegations contained in this paragraph; therefore, the statement is denied.

31. Defendants are without sufficient information to admit or deny the allegations contained in this paragraph; therefore, the statement is denied.

32. Defendants are without sufficient information to admit or deny the allegations contained in this paragraph; therefore, the statement is denied.

33. Admitted.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Defendants are without sufficient information to admit or deny the allegations contained in this paragraph; therefore, the statement is denied.

46. Admitted that Ms. Kay was the Anti-Bullying Specialist and previously worked at Solomon Schechter Day School. The balance of the paragraph is denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. Denied.

53. Defendants are without sufficient information to admit or deny the allegations contained in this paragraph; therefore, the statement is denied.

54. Defendants are without sufficient information to admit or deny the allegations contained in this paragraph; therefore, the statement is denied.

55. While students did participate in a beach sweep, Defendants deny that this was a school-sponsored field trip.

56. Admitted that Plaintiff was not at the beach sweep. Denied that the event was school sponsored.

57. Defendants are without sufficient information to admit or deny the allegations contained in this paragraph; therefore, the statement is denied.

58. Defendants are without sufficient information to admit or deny the allegations contained in this paragraph; therefore, the statement is denied.

59. Admitted.

60. The picture is a document that speaks for itself.

61. Admitted.

62. Admitted that J.K. commented "yearbook cover".

63. Admitted that S.F. commented “great yearbook cover”.
64. Denied that the event was school-sponsored.
65. It is admitted only that an email was sent on the specified time and date. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
66. It is admitted only that an email was sent on the specified time and date. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
67. It is admitted only that an email was sent on the specified time and date. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
68. Admitted.
69. Defendants are without sufficient information to admit or deny the allegations contained in this paragraph; therefore, the statement is denied.
70. It is admitted only that students created a chat. The document speaks for itself. To the extent that this paragraph editorializes the referenced message chain, the statement is denied.
71. It is admitted only that students created a chat. The document speaks for itself. To the extent that this paragraph editorializes the referenced chat, the statement is denied. Further, to the extent that the statement attributes a state of mind to the students, same is denied.
72. Denied.
73. It is admitted only that an email was sent on the specified time and date. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
74. It is admitted only that an email was sent on the specified time and date. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
75. Admitted only that Plaintiff stayed home from school on April 23, 2018. Defendants are without sufficient information to admit or deny the balance of the statement; therefore, the balance is denied.
76. Denied.

77. Denied.

78. Denied.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

83. Admitted only that M.W. sent the referenced email. Denied that Mr. Moore had revealed P.W. as the reporting student.

84. Denied as to the alleged falsity of Mr. Moore's denial.

85. It is admitted only that an email was sent on the specified time and date. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

86. Denied.

87. Denied.

88. Admitted.

89. Denied.

90. Denied.

91. Denied.

92. It is admitted only that an email was sent on the specified time and date. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

93. It is admitted only that an email was sent on the specified time and date. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

94. This paragraph sets forth a legal conclusion; therefore, no response is necessary. To the extent that Plaintiff intends this paragraph to set forth a factual statement, same is denied.

95. Denied.

96. Denied.

97. It is admitted only that an email was sent on the specified time and date. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

98. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

99. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

100. Denied.

101. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

102. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

103. Denied.

104. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

105. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

106. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

107. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

108. Admitted.

109. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

110. Denied.

111. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

112. Denied.

113. It is admitted only that Mr. Moore issued the referenced letter. he document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

114. Denied.

115. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

116. Denied.

117. Denied.

118. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

119. Denied.

120. Denied.

121. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

122. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

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128. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
129. Denied.
130. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
131. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
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136. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

137. Denied.

138. Defendant is without sufficient information to admit or deny. Therefore, this statement is denied.

139. Denied.

140. Denied.

141. Denied.

142. Denied.

143. Denied.

144. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

145. Denied.

146. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

147. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

148. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

149. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

150. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

151. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

152. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
153. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
137. (sic) It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
154. Denied.
155. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
156. It is admitted only that the referenced texts were sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
157. Denied.
158. It is admitted only that the referenced texts were sent in redacted form. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
159. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
160. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
161. Denied.
162. Denied.
163. Denied.
164. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

165. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
166. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
167. Denied.
168. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
169. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
170. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
171. Denied.
172. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
173. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
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175. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
176. Denied.
177. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

178. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
179. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
180. It is admitted only that the referenced note was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
181. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
182. Denied.
183. Denied.
184. Denied.
185. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.
186. Admitted.
187. Denied.
188. Denied.
189. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.
190. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.
191. Denied.
192. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.
193. It is admitted only that the Division of Civil Rights referenced the rock in the October 22, 2019 Finding of Probable Cause. The document speaks for itself. To the extent that this paragraph editorializes the referenced document, the statement is denied.

194. Denied.

195. Denied.

196. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

197. Admitted that Plaintiff withdrew from MAST. The balance of the paragraph is denied.

198. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

199. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

200. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

201. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

202. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

203. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

204. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

205. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

206. It is admitted only that the referenced email was sent. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

207. Denied.

208. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

209. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

210. Denied.

211. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

212. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

213. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

214. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

215. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

216. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

217. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

218. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

219. It is admitted only that the referenced post was made. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

220. It is admitted only that the referenced post was made. The document speaks for itself. To the extent that this paragraph editorializes the referenced email, the statement is denied.

221. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

222. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

223. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

224. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

225. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

226. Defendants are without sufficient information to admit or deny the allegation. Therefore, the statement is denied.

FIRST CAUSE OF ACTION

227. Defendants hereby incorporate by referenced each response to the preceding paragraphs of the Complaint.

228. Admitted.

229. Denied.

230. Denied.

231. Denied.

232. Denied.

233. Denied.

234. Denied.

235. Denied.

SECOND CAUSE OF ACTION

236. Defendants hereby incorporate by referenced each response to the preceding paragraphs of the Complaint.

237. Denied.

238. Denied.

239. Denied.

240. Denied.

241. Denied.

242. Denied.

243. Denied.

244. Denied.

THIRD CAUSE OF ACTION

245. Defendants hereby incorporate by referenced each response to the preceding paragraphs of the Complaint.

246. Denied.

247. Denied.

248. Denied.

249. Denied.

250. Denied.

251. Denied.

252. Denied.

253. Denied.

254. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint and each Count fail to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

At all material times, any action taken by Defendant with respect to Plaintiff was taken in good faith, in a reasonable manner and fashion, and for legitimate and lawful reasons.

THIRD AFFIRMATIVE DEFENSE

At all material times, any action taken by Defendants with respect to Plaintiff was taken for reasons other than any averred conduct by her. Defendant did not discriminate or retaliate against Plaintiff in any manner whatsoever.

FOURTH AFFIRMATIVE DEFENSE

At all times, Defendants complied with the governing laws and statutes in dealing with Plaintiff.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff unreasonably failed to take advantage of any preventative and/or corrective opportunities provided to her, or to avoid harm otherwise.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by the applicable statute of limitations, by her failure to exhaust or comply with the governing administrative remedies and procedural prerequisites to suit.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by the doctrines of res judicata and/or collateral estoppel, laches, waiver, payment, release, and/or discharge, or by the doctrine of unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

The Complaint and each count fails to state a claim for compensatory or punitive damages, injunctive relief, interest, costs, or for attorney's fees, nor is Plaintiff entitled to this relief under governing law and/or the facts of this case.

NINTH AFFIRMATIVE DEFENSE

If Plaintiff suffered any damages or losses, such damages or losses were caused in whole or in part by his own acts, omissions or conduct, or by the acts, omissions or conduct of parties other than Defendants, about which Defendants had no prior knowledge and is not legally responsible.

TENTH AFFIRMATIVE DEFENSE

Defendant is not liable for any averred actions or omissions on the part of its agents or employees insofar as such persons were not acting within the scope of their employment, agency and/or their actions were contrary to Defendant's good-faith efforts to comply with the anti-discrimination laws.

ELEVENTH AFFIRMATIVE DEFENSE

On information and belief, Plaintiff has failed to mitigate her damages, if any.

TWELFTH AFFIRMATIVE DEFENSE

The Complaint should be dismissed because Defendant did not violate the Law Against Discrimination.

THIRTEENTH AFFIRMATIVE DEFENSE

The Complaint should be dismissed because Defendant had an effective anti-discrimination, anti-retaliation and anti-harassment policy, and Plaintiff failed to utilize the Defendant's anti-discrimination mechanisms.

FOURTEENTH AFFIRMATIVE DEFENSE

The Complaint is barred because Defendant's actions were taken for legitimate, non-discriminatory and non-retaliatory reasons.

FIFTEENTH AFFIRMATIVE DEFENSE

The acts of which Plaintiff complains are not sufficiently severe or pervasive to set forth a hostile environment claim.

SIXTEENTH AFFIRMATIVE DEFENSE

The Plaintiff's claims are barred by the Tort Claims Act, N.J.S.A. 59:1-1 et seq.

SEVENTEENTH AFFIRMATIVE DEFENSE

Defendant asserts all immunities and defenses under the New Jersey Tort Claims Act, , N.J.S.A. 59:1-1 et seq.

EIGHTEENTH AFFIRMATIVE DEFENSE

Defendant asserts the defense of qualified immunity.

NINETEENTH AFFIRMATIVE DEFENSE

Defendants assert all defenses and immunities under the Coverdell Teacher Protection Act of 2001 and any amendments thereto.

JURY DEMAND

This defendant demands a trial by jury.

DESIGNATION OF TRIAL COUNSEL

The court is advised that Patrick F. Carrigg, Esquire, is hereby designated as trial counsel.

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

The matter in controversy is the subject of an administrative proceeding captioned L.W. on behalf of P.W. & L.W., Individually v. Monmouth County Vocational School District: DCR Docket No. PN16WK-67011.

**LENOX, SOCEY, FORMIDONI, GIORDANO,
CARRIGG, LANG & CASEY, LLC.**


PATRICK F. CARRIGG, ESQUIRE

DATED: June 8, 2020